OIPE
APR 27 2006
PATENT & TRADEMARK OFFICE

REMARKS

This amendment addresses the official Action of February 21, 2006. The claims remaining in the case are 1-4 and 9. Claims 5-8 and 10-12 have been withdrawn without prejudice to refile.

In the official Action of February 21, 2006, the examiner indicates the amendments to claim 1 that are required to comply with the restriction requirement and Applicant's election of Group I and the associated selected species (compound 2 in Table 1). However, Applicant's were unable to fully comply with the examiner's instructions because to do so would necessarily mean the deletion of Applicant's elected species. In a telephone conversation with the examiner on April 20, 2006 it was agreed that no amendments would be made to R_2 and R_3 of claim 1 to avoid the deletions. It was also agreed that claim 4 would become part of the Group I invention provided Applicants amended claim 4 to depend upon claim 1. Claim 4 has been so amended.

The claims are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 9 of co-pending application No. 10/530,840. As neither application has issued patent, applicant's will address this issue when the claims are considered in condition for allowance.

As a result of the herein amendments and remarks Applicant's believe the examiner's concerns have been met and overcome. The Examiner is therefore respectfully requested to remove the objections and rejections.

Respectfully submitted,

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Date: April 24, 2006